

ORDINANCE NO. 4922AN ORDINANCE AMENDING CHAPTER **16.42** OF THE
COUNTY CODE RELATING TO HISTORIC PRESERVATION

The Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

Chapter 16.42 of the Santa Cruz County Code is hereby amended to read as follows:

Chapter **16.42**
HISTORIC PRESERVATION

Sections:

- 16.42.010** Purpose.
- 16.42.020** Scope.
- 16.42.030** Definitions.
- 16.42.040** Applicability.
- 16.42.050** Historic resource-designation.
- 16.42.060** Development processing procedures for designated historic resources.
- 16.42.070** Historic building code applicability.
- 16.42.080** Artifacts discovered during excavation or development.
- 16.42.090** Unsafe or dangerous conditions.
- 16.42.100** Zoning of historic resources.
- 16.42.110** Appeal procedures.
- 16.42.120** Enforcement.
- 16.42.130** Severability.

16.42.010 Purpose.

The Board of Supervisors hereby find that the protection, enhancement, perpetuation and use of structures, districts, lands, and neighborhoods of historic, architectural, and engineering significance, located within the County of Santa Cruz, are of cultural and aesthetic benefit to the community. It is further found that respecting the heritage of the County will enhance the economic, cultural, and aesthetic standing of the County. The purpose of this Chapter is, therefore, to:

- (a) Implement the General Plan historic resources policies to designate, preserve, protect, enhance, and perpetuate those historic structures, districts and sites which contribute to the cultural benefit of Santa Cruz County, and to provide for this and future generations, examples of the physical surroundings of past generations;

- (b) Foster civic awareness and pride in the rich diversity of the County's heritage;
- (c) Protect and enhance the County's historic structures, objects, sites and districts as a physical record of its heritage;
- (d) Enhance the stability of the neighborhoods and areas in the County;
- (e) Enhance the County's attraction to visitors through protection of the historic resources that constitute much of the County's unique character; and
- (f) Encourage preservation and maintenance of the cultural and historical heritage of the County for purposes of education and the fostering of the knowledge of the past.

16.42.020 Scope.

- (a) This Chapter establishes the County's Historic Resources Inventory which identifies significant historical resources in the unincorporated portion of the County; requires that an historic review consistent with the provisions of this Chapter be conducted prior to carrying out of activities or final County approval of projects which affect historic resources; and regulates alterations, new construction, relocations, demolitions, and excavations which affect historic structures, objects, properties, sites or districts.
- (b) The historic resource protection provisions of this Chapter shall apply to all historic resources within the County unincorporated area, including publicly owned properties, where County approval of development activities is required. The requirements of this Chapter are in addition to those of other chapters of the County Code, and approvals issued pursuant to this Chapter do not alter the requirements of other chapters of the Santa Cruz County Code.

16.42.030 Definitions.

All terms used in this Chapter shall be as defined in County Code Chapter 13.10 and in the County General Plan Glossary except as herein defined below:

- (a) **Certified Resolution.** A resolution of the Board of Supervisors establishing the historical resources designation of a structure, object, site, property, or district which has a special historical, archaeological, cultural or aesthetic interest or value as part of the development, heritage, or cultural characteristics of the County, State, or Nation, and which either has been listed in the County General Plan, or has been listed in the Historic Resources Inventory adopted pursuant to Section 16.42.050 of this Chapter and has a rating of significance of NR-1, NR-2, NR-3, NR-4, or NR-5.

- (b) Contributing Historic Structure or Object. A structure or object located within a designated historic district which has been designated as a contributing historic structure or object and is listed in the Santa Cruz County Historic Resource Inventory pursuant to Section 16.42.050.
- (c) Demolition. Shall mean the following:
- (1) The complete demolition of the entirety of a landmark or contributing resource; or
 - (2) The partial demolition of a landmark or contributing resource that involves either of the following:
 - (A) The demolition of an aggregate of fifty (50) or more linear feet of exterior wall or more than fifty (50) percent of the footprint of the landmark or contributing resource, whichever is more restrictive, or
 - (B) The demolition is other than minor, inconsequential or insignificant and has been determined by the Planning Director to affect the significance of the landmark or contributing resource;
- (d) Historic Alteration Project, Minor. A small project involving an historic building on the County's Historic Resources Inventory but not including a structure with a rating of NR1 or NR2. Such projects include, but are not limited to, the replacement, addition or deletion of windows, doors, fences, decks and minor additions/alterations to the rear of the property of up to 10% of the gross square footage of the existing structure or 250 square feet, whichever is smaller, and signs.
- (e) Historic District. An area designated as an historical resource and which contains improvements that:
- (1) Have character of special historic or aesthetic interest or value; and
 - (2) Represent one or more periods or styles of architecture typical of one or more eras in the history of the County; and
 - (3) Cause such area, by reason of these factors, to constitute a geographically definable area possessing a significant concentration or continuity of site, buildings, structures, or objects that are unified by past events, or aesthetically by plan or physical development.
- (f) Historic Documentation Report. A report providing documentation of the historic significance and physical appearance of an historical resource and prepared in accordance with the guidelines established by the Historic Resources Commission. The report may take the form of a narrative with attached photographs and shall include a completed California Department of Parks and Recreation Historic Inventory Form.

- (g) **Historic Object.** An item of historical value that can be seen or touched, such as an artifact, monument or work of art, and which has been designated as an historical resource pursuant to this Chapter.
- (h) **Historic Property.** A parcel of land where an historical structure, or object is located.
- (i) **Historic Resource.** Any structure, object, site, property, or district which has a special historical, archaeological, cultural or aesthetic interest or value as part of the development, heritage, or cultural characteristics of the County, State, or Nation, and which either has been referenced in the County General Plan, or has been listed in the Historic Resources Inventory adopted pursuant to Section 16.42.050 of this Chapter and has a rating of significance of NR-1, NR-2, NR-3, NR-4, or NR-5.
- (j) **Historic Resource Preservation Plan.** A plan for the protection, enhancement, and/or preservation of the historic resource values of a structure, object, site or district and which is prepared according to the guidelines established by the Historic Resources Commission.
- (k) **Historic Resources Commission.** The County's Historic Resources Commission (HRC) established pursuant to County Code Chapter 2.58.
- (l) **Historic Resources Inventory.** A list of significant historic resources reviewed by the Board of Supervisors pursuant to Section 16.42.050 of this Chapter and which may include historic structures, objects, sites, and districts which contribute to the historic, cultural and architectural heritage of Santa Cruz County. It includes all properties with a rating of significance of NR-1, NR-2, NR-3, NR-4, NR-5 or NR-6. Only those resources adopted by resolution by the Board of Supervisors (NR1, NR2, NR3, NR4 and NR5) are subject to the provisions of this chapter.
- (m) **Historic Site.** A parcel of land or property which has been designated as an historical resource pursuant to this Chapter because it was previously occupied by an historical structure, or because it was the scene of a past historic event, or was a place associated with an historical person.
- (n) **Historic Structure.** A structure which has been designated as an historical resource pursuant to this Chapter.
- (o) **Material Change.** Any exterior alteration or surface modification which will cause a change in the exterior appearance of a structure. This shall include all work which results in additions or changes to the architectural style, design, general arrangement, and components of all of the outer surfaces of an improvement, including, but not limited to, the kind and texture of the building material, and the type and style of all windows, doors, moldings, ramps, decks,

fences, roofs, porches, railings, lights, signs, and other exterior fixtures appurtenant to such improvements. Material changes shall not include painting or ordinary maintenance consisting of repair which does not involve a change in exterior design or materials. Alterations to the interior of a structure do not constitute a material change.

(p) **Non-contributing Structure or Object.** A structure or object located within a designated historic district which has not been designated as a contributing historic structure or object.

(q) **Planning Director.** The Director of the County Planning Department or his or her designee.

(r) **Reconstruction.** The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

(s) **Relocation.** The moving of a building or structure from one place to another.

(t) **Secretary of the Interior's Standards.** The National Parks Service and Secretary of the Interior's Standards for Treatment of Historic Properties found at 36 C.F.R/. 68.3. as it may be amended from time to time.

(u) **Structure.** That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner including all fences and decks.

16.42.040 Applicability.

(a) **Historic Structures and Objects.** No person shall make or cause any material change to the exterior of an historical structure or object, demolish any portion of the exterior of an historical structure or object unless such action is in conformance with a valid Historic Resource Preservation Plan approved by the Historic Resources Commission. In addition to these requirements, no relocation or demolition as described in Section 16.42.030(c)(1) or(c)(2) shall occur unless a Historical Documentation Report is submitted to and approved by the Historic Resources Commission concurrent with the review of the Historic Resource Preservation Plan.

(b) **Historic Properties.** No person shall make or cause on an historical property a material change to any structure on the property, or construct any new structure including any fence or deck unless such action is in conformance with a valid Historic Resource Preservation Plan approved by the Historic Resources

Commission. Demolition or removal of non-historic structures on historic properties is exempt from the provisions of this Chapter.

(c) **Historic Sites.** For projects which will disturb or potentially disturb the ground of a designated historic site, an historical Archaeological Report as provided for in Chapter 16.40 of the County code shall be prepared and submitted with any applications for permits to develop the project.

(d) **Historic Districts.** No person shall make or cause in an historical district any material change to the exterior of any structure, or construct any new structure including fences and decks, or relocate or demolish any designated contributing historic structures or historic objects unless such action is in conformance with a valid Historic Resource Preservation Plan approved by the Historic Resources Commission.

Demolition and relocation of non-contributing structures located in historic districts are exempt from the provisions of this Chapter. Material changes to the exterior of all structures and the construction of new structures shall be compatible with the scale, building materials and general design of the historic district, reinforce the historic value and architectural theme of the historic district, and comply with the Historic Preservation guidelines of Sections 16.42.060 (c) and (d) of this Chapter to the maximum extent feasible.

16.42.50 Historic resource designation.

(a) **Protected Historic Resources.** The Santa Cruz County Historic Resources Inventory shall consist of those structures, objects, properties, sites, and districts as designated by Certified Resolution of the Board of Supervisors and thereby incorporated by reference and made a part of this Chapter, with subsequent amendments as provided for in paragraph (e) below.

(b) **Rating of Significance.** For purposes of administering the historic preservation program, general public information, and to aid in the nomination of historic resources to the National Register, designated historic structures, objects, sites and districts shall be assigned a National Register (NR) Rating Code for historic significance based upon guidelines published by the United State Department of Interior, National Park Service as follows:

NR-1. A property listed in the National Register of Historic Places.

NR-2. A property that has been determined to be eligible for listing on the National Register by the U.S. Department of the Interior.

NR-3. A property eligible, in the opinion of the County Historic Resources Commission, to be listed on the National Register of Historic Places.

NR-4. Property which may become eligible for listing on the National Register if additional research provides a stronger statement of significance, or if the architectural integrity is restored. These buildings have either high architectural

or historic significance, but have a low rating in the other categories.
 NR-5. A property determined to have local historical significance.

(c) NR-6. The County shall maintain a listing of those properties which have been evaluated and determined to be ineligible for designation as an historical resource based on the criteria in subsection (b) and (d) and/or due to their deteriorated architectural integrity or condition. These properties shall be given a rating of significance of NR-6. An NR-6 rated property is part of the Historic Resource Inventory but is not subject to the provisions of this Chapter. An NR-6 rated property may be reevaluated periodically.

(d) Designation Criteria. Structures, objects, sites and districts shall be designated as historic resources if, and only if, they meet one or more of the following criteria and have retained their architectural integrity and historic value:

- (1) The resource is associated with a person of local, state or national historical significance.
- (2) The resource is associated with an historic event or thematic activity of local, state or national importance.
- (3) The resource is representative of a distinct architectural style and/or construction method of a particular historic period or way of life, or the resource represents the work of a master builder or architect or possesses high artistic values.
- (4) The resource has yielded, or may likely yield, information important to history.

(e) Inventory Amendment. Amendment to the Santa Cruz County Inventory of Historic Resources shall be by certified resolution of the Board of Supervisors following the review and recommendation of the Historic Resources Commission. Actions of both bodies shall be taken following public hearing with public notice provided pursuant to Section 18.10.223. Any action to amend the Inventory of Historic Resources to add or remove a structure, site, object or district shall be based on the criteria provided in subsection (b) and (d), and may be initiated by a property owner or their representative, the Board of Supervisors, the Historic Resources Commission, County staff or any member of the general public. Inclusions of new historic resources in the inventory shall be accompanied by a completed Historic Documentation Report which includes a California Department of Parks and Recreation Historic Inventory Form to document the historic and architectural values of the designated resource.

Findings Required. The following findings must be made for inclusion or deletion of properties from the Historic Inventory:

- (1) For Inclusion in the Historic Inventory
 - (A) That the proposed historic resource, or group of structures,
- or

features thereof have significant cultural, architectural, or engineering interest or value of an historical nature, as defined in subsection (d).

(B) That approval or modified approval of the application to designate a historic resource is consistent with the purposes and criteria of the county's historic preservation policies set forth in Chapter 16.42 herein, and the Historic Resources Policies of the General Plan.

(2) For Deletion from the Historic Inventory

(A) That the proposed historic resource, or group of structures,

or

features thereof no longer have significant cultural, architectural, or engineering interest or value of an historical nature, as defined in subsection (d).

(B) That approval or modified approval of the application to delete a historic resource is consistent with the purposes and criteria of the county's historic preservation policies set forth in Chapter 16.42 herein, and the Historic Resources Policies of the General Plan.

(f) Recording of Certified Resolution Establishing the Historic Resource Designation. Within 90 days after an historical resource has been included in the Santa Cruz County Historic Resources Inventory by the Board of Supervisors, the Planning Director shall cause to be filed for record with the County Recorder, a Certified Resolution Establishing the Historic Resource Designation specifying the names of the owners of record, a legal description of the property, a description of the historic resource and its historic and/or architectural value, and a statement that the historic resource so described is subject to the provisions of the County Code, Chapter 16.42, Historic Resource Preservation. A copy of the recorded certified resolution shall be sent to the property owner.

(g) Documents. Following the Historic Resources Commission's and Board of Supervisor's acceptance of an Historical Documentation Report, three archival copies with original black and white photographs shall be submitted by the applicant and shall be placed on permanent file by staff with the Santa Cruz County Planning Department, the County Historic Museum and the UCSC Mc Henry Library, Special Collections.

(h) Pending Designations. Once an amendment to the Inventory of Historic Resources has been initiated to designate a property as an historical resource, no permit may be approved for any project affecting the historic resource on property until either:

- (1) Final action has been taken to reject the amendment; or
- (2) Approval of a Historical Resource Preservation Plan by the Historic Resources Commission has been obtained.

16.42.60 Development procedures for designated historic resources.

- (a) Applications for Historic Review. Applications for Historic Resource Preservation Plan approval or sign review shall be filed with the Planning Department in accordance with the procedures of Section 18.10.223, and the administrative application requirements as established by the Historic Resources Commission.
- (b) Demolition and Relocation.
- (1) Application Requirements. For projects involving demolition of the historic structure, or involving relocation of an historical structure, the application submittal shall also include:
- (A) A Special Inspections Report from the County Planning Department on the condition of the structure; and
 - (B) An Historical Documentation Report prepared according to guidelines established by the Historic Resources Commission. The report shall contain the following:
 - (i) Information which supports the claim that preservation is not feasible due to the deteriorated condition of the structure or object, or would create exceptional hardship, or is necessary to alleviate a dangerous condition.
 - (ii) Provisions to preserve the historic values of the structure or object by documentation and/or preservation of artifacts and building materials.
 - (C) Provisions to offer the structure to the general public for removal or dismantling for salvage at no cost or remuneration to the applicant. The availability of the structure shall be advertised by means of a 1/8 page display ad in a paper of general circulation in the County of Santa Cruz, at least twice during a thirty-day period. The advertisement shall include the address at which the structure proposed for demolition is located, information as to how arrangements can be made for relocation (through moving or dismantling) of the structure proposed for demolition, and the date after which a Demolition Permit may be issued. Evidence of this publication must be submitted prior to issuance of a Demolition Permit. This is not applicable to projects involving the relocation of the historic resource on the same site.
- (2) Processing. Demolition applications shall be processed as follows:
- (A) The complete demolition of the entirety of a landmark or contributing resource shall require a public hearing and recommendation by the Historic Resources Commission and a public hearing and final action by the Board of Supervisors.

(B) The partial demolition, as defined in Section 16.42.030(c), of a landmark or contributing resource shall require a public hearing and final action by the Historic Resources Commission. The Historic Resources Commission may, at their discretion, refer the final action to the Board of Supervisors.

(C) Lesser demolition, not meeting the definition of Demolition in Section 16.42.030(c), of a landmark or contributing resource may be approved or denied without public hearing by the Planning Director. The Planning Director, at his or her discretion, may refer the final action to the Historic Resources Commission.

(c) Alteration.

(1) Criteria. For projects involving the exterior alteration of a Historical Resource. A Historical Resource Preservation Plan for alterations and changes to the exterior of an historical structure or object, shall conform to the following criteria:

(A) Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.

(B) The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

(C) All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier or later appearance shall be discouraged.

(D) Changes which may have take place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

(E) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.

(F) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features substantiated by historic, physical or pictorial evidence, rather than on conjectural design or the availability of different architectural elements from other buildings or structures.

(G) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials should not be utilized.

(H) Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to any project.

(I) Alterations and additions to existing properties shall not destroy significant historical, architectural or cultural elements or materials, and shall be compatible with the size, scale, color, materials, and character of the property, neighborhood or environment.

(J) Whenever possible, new additions or alterations to structures shall be done in a manner so that the essential form and integrity of the structure would be unimpaired.

(2) Processing. Alteration applications shall be processed as follows:

(A) Alteration applications shall require a public hearing before the Historic Resources Commission.

(B) Minor historic alteration project applications may be approved or denied without public hearing by the Planning Director. The Planning Director, at his or her discretion, may refer the final action to the Historic Resources Commission.

(d) New Construction. Historic Resource Preservation Plans for construction of new structures on historic properties or in historic districts shall conform to the following criteria:

(1) The location, siting and size of new construction on an historical property shall not detract from the historic character of the property, and between existing buildings, landscape features and open space.

(2) All structures shall be designed in proportion and integrated into the historic character of the property or district by the use of compatible building materials and textures, construction methods, design, and color.

(3) The size, location and arrangement of new on-site parking or loading ramps shall be designed so that they are as unobtrusive as possible and preserve the features of the property or district.

(4) Ingress and egress, and internal traffic circulation shall preserve the historic features of the property.

(5) Landscaping should be provided in keeping with the character and design of the historic site, property or district.

(6) Disturbance of terrain around existing buildings or elsewhere on the property should be minimized to reduce the possibility of destroying unknown archaeological materials. Where any proposed land alterations may impact important archaeological resources, a professional archaeological survey shall be provided and its recommendations implemented to mitigate potential impacts as provided for in Chapter 16.40 of the County Code.

(e) Sign Approvals. Plans for all new signs and alterations to existing signs located on an historical structure, or located on an historical property, or located in an historical district, except for historic landmark plaques as approved by the Historic Resources Commission or changes in sign copy, shall be submitted to the Planning Director. No Historic Resource Preservation Plan is required for this review. Signs shall conform to all other County Code requirements and adopted sign design guidelines.

(f) Development Applications involving Historic Resources. When plans for a project affecting an historical resource are required by Section 16.42.060 to obtain an approval or a recommendation by the Historic Resources Commission, all applications for permits authorizing development of the project shall be deemed incomplete until the Historic Resources Commission approval or recommendation has been granted and documentation of such action is submitted with the permit applications, except as provided in paragraph (g) following.

(g) Concurrent Processing. Where the Planning Director determines that processing time for a permit will not be adversely affected, the Director may authorize the acceptance of a permit application as complete for processing concurrently with the Historic Resources Commission review and action required by this Chapter.

(h) Historic Resources Commission Hearing Procedure. When an application for historic review is determined by Planning Department staff to be complete it shall be forwarded with any other information of record to the Historic Resources Commission for their review and subsequent action. Except for Minor Historic Alteration Projects, minor demolition as described in subsection (b)(2)(C), and sign review, each completed application for a Historical Resource Preservation Plan approval and associated recommendation shall be considered for review and action by the Historic Resources Commission at a public hearing. Notice of all hearings shall be given pursuant to Section 18.10.223. The Commission may continue a hearing from the original hearing date in order to request additional information, conduct a site inspection, require that a professional historian and/or archaeologist prepare the Historical Documentation Report, or for any other reason determined to be necessary by the Historic Resources Commission.

(i) Historic Resources Commission Action. Following the public hearing on an application, the Historic Resources Commission may approve a Historical Resource Preservation Plan, or Historic Documentation Report, by an affirmative vote of three or more of the Commission members. In order for the Commission to approve or conditionally approve the Historic Resource Preservation Plan, all the following findings must be made:

- (1) That the Historic Resource Preservation Plan is consistent with the purposes and goals of this Chapter and the County General Plan;
- (2) That the Historic Resource Preservation Plan is in conformance with the requirements of this Chapter; and
- (3) That the Historic Resource Preservation Plan, if implemented, will preserve and maintain the cultural and historical heritage of the County and/or further cultivate the knowledge of the past.

The Historic Resources Commission shall deny the Historic Resource Preservation Plan if one or more of these findings cannot be made.

(j) Final Project Approval. When an Historical Resource Preservation Plan is required by this section, no final County approval shall be given to a Land Division, Development Permit, Building Permit, Demolition Permit, Land Clearing Permit or Grading Permit for a project affecting an historical structure, object, property, site or district, unless an Historical Resource Preservation Plan for the protection of the historic resource has been approved by the Historic Resources Commission, the project is in conformance with the approved plan, and development will commence prior to the expiration of the Historic Resources Commission approval. Final inspection clearance on project permits or improvement plans shall not be granted unless the completed project complies with all provisions of the Historic Resource preservation Plan.

(k) No Project Authorization Granted. The Historic Resources Commission's approval of a Historical Resource Preservation Plan, Historic Documentation Report or sign recommendation does not authorize any development rights or grant permission to proceed with project development; such actions can only be authorized through the approval and issuance of project permits pursuant to other provisions of the County Code.

(l) Expiration. An approved Historic Resource Preservation Plan shall remain valid for a period of 2 years from the date of approval by the Historic Resources Commission unless the Commission specifies a longer period of time. Time extensions as provided for in 18.10.133 (a) may be subsequently granted by the Historic Resources Commission upon application prior to expiration of the plan approval.

(m) Environmental Review. When an Environmental Impact Report (EIR) is required for a development project affecting a designated historic resource, the Historic Resources Commission shall be consulted in establishing the scope of the EIR and for comments on the Draft EIR and historic resource mitigation measures.

16.42.070 Historic building code applicability.

The State Historic Building Code, Title **24**, of the California Administrative Code, shall be applicable to the issuance of Building Permits for changes to the interior and/or exterior of structures designated as historic resources

16.42.080 Artifacts discovered during excavation or development.

Presence of Artifacts. Any person who, at any time in the preparation for or process of excavating or otherwise disturbing the ground, discovers any artifact or other evidence of an historical archaeological resource, shall comply with all provisions of Chapter 16.40 of the County Code – Native American Cultural Sites.

16.42.090 Unsafe or dangerous conditions.

None of the provisions of this Chapter shall be construed to prevent any measures of construction, alteration, removal, demolition or relocation necessary to correct the unsafe or dangerous condition of any structure, other feature, or part thereof, where:

- (a) Such condition has been declared to constitute an immediate threat to public health and safety by the County Building Official or County Geologist; and
- (b) The proposed measures have been declared necessary by such official to correct the said condition; and
- (c) The Chairman of the Historic Resources Commission has been notified of the situation and given an opportunity to respond within 24 hours. Only such work as is necessary to correct the unsafe or dangerous condition may be performed pursuant to this section. In the event that any structure or other features are damaged by fire or other calamity, the Planning Director or Building Official may authorize, prior to the Commission's review, that amount of repair necessary to correct an unsafe condition.

16.42.100 Zoning of historic resources.

Parcels containing designated historical structures, objects or sites or which are located in designated historic districts shall be zoned to the Historical Landmark ("L") Combining Zone District for identification purposes. Failure of the property to be placed in the Historic Landmark ("L") Combining Zone District does not invalidate the requirements of this Chapter.

16.42.110 Appeal procedures.

- (a) Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Historic

Resources Commission under the provisions of this Chapter, may appeal the act or determination directly to the Board of Supervisors in accordance with Section 18.10.300 et. seq., of the Santa Cruz County Code.

(b) In addition to the provisions of paragraph (a) above, when the Board of Supervisors is the final approving body for a project either by way of normal permit processing procedures or through appeal, any act or determination by the Historic Resources Commission which affects the project may be amended by the Board of Supervisors provided that any substantial modifications to the plans approved by the Historic Resources Commission which were not previously considered by the Commission may be referred to the Historic Resources Commission for their report and recommendations. The Historic Resources Commission shall review and comment on the referred modifications within 40 days unless a longer comment period is approved by the Board of Supervisors. The Historic Resources Commission is not required to hold a public hearing on the referral unless so directed by the Board of Supervisors.

16.42.120 Enforcement.

(a) Criminal Enforcement. Any person who violates any provision of this chapter is guilty of a misdemeanor, the penalty for which is set forth in County Code Section 1.12.030 and Chapter 19.01.

(b) Civil Enforcement. Any person who violates any provision of this Chapter is in violation of the Land Use Regulations of the County, the penalty for which is set forth in County Code Chapter 19.01.

16.42.130 Severability.

If any section, subdivision, paragraph, sentence, clause or phrase of the ordinance codified in this chapter is for any reason held to be unconstitutional or invalid, such a decision shall not affect the validity of the remaining portion of the ordinance. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance irrespective of the unconstitutionality or invalidity of any section, subdivision, subsection, paragraph, sentence, clause or phrase of the ordinance codified in this chapter.

SECTION II

This ordinance shall become effective on the 31st day following adoption by the Board of Supervisors.

PASSED AND ADOPTED this 29th day of April, 2008,
by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SUPERVISORS Stone, Beautz, Coonerty, Campos & Pirie
NOES: SUPERVISORS None
ABSENT: SUPERVISORS None
ABSTAIN: SUPERVISORS None



Chairperson, Board of Supervisors

Attest: 

Clerk of the Board

APPROVED AS TO FORM:


County Counsel

Copies to: County Counsel
Planning

IN THE SUPERIOR COURT of the STATE OF CALIFORNIA
in and for the County of Santa Cruz

CERTIFICATE OF PUBLICATION

Ad No.: 025/2922

I, Tess E. Fitzgerald, Supervising Clerk of the Board of Supervisors of the County of Santa Cruz, do hereby certify that Ordinance No. 4922, adopted on Apr. 29, 2008, has been duly published in accordance with Section 25124 of the Government Code.

STATE OF CALIFORNIA }
COUNTY OF SANTA CRUZ } ss

Tess E. Fitzgerald,
Supervising Board Clerk
By: [Signature]

PUBLIC NOTICE
ADOPTED ORDINANCE NO. 4922

NOTICE IS HEREBY GIVEN that at its regularly scheduled meeting of the Santa Cruz County Board of Supervisors on April 29, 2008 adopted Ordinance No. 4922 Amending Chapter 16.42 of the County Code Relating to Historic Preservation. This Ordinance was adopted by the following vote:

I, **Patricia Turley**, hereby certify that the **Watsonville Register Pajaronian**, a newspaper of general circulation, within the provisions of the government code of the State of California, printed and published in the City of Watsonville, County of Santa Cruz, State of California; that I am the principal clerk of the printer of said newspaper; that the

(P) AYES: Stone, Beautz, Coonerty, Campos and Pirie (pace)
NOES: None
ABSENT: None
ABSTAIN: None

Copies of the full text of this Ordinance is available at the Office of the Clerk of the Board, Room 500, Governmental Center Building, 701 Ocean Street, Santa Cruz, California, 95060

Legal Notice; PUBLIC NOTICE

Dated April 30, 2008
Tess Fitzgerald
Chief Deputy Clerk

May 2, 2008
02512922

of which the annexed clipping is a true printed copy was published in said newspaper on the following dates, to wit: **05/02/08**

I certify under penalty of perjury that the foregoing is true and correct, at Watsonville, California, on the **05/02/08**

[Signature]
Patricia Turley, Legal Clerk

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